

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
GARDEN CITY BOXING CLUB, INC.

Plaintiff                    07 CV 8751

-AGAINST-

LA COCINA RESTAURANT, INC.  
d/b/a LA COCINA RESTAURANT  
and ROSA A. MEJIA

**AFFIDAVIT FOR JUDGMENT  
BY DEFAULT**

Defendant

-----X

STATE OF NEW YORK      )  
                              )        ss:  
COUNTY OF NEW YORK     )

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the firm of Paul J. Hooten & Associates, attorney for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiffs application for the entry of a default judgment against defendant.

2. This is an action to recover the unauthorized exhibition of the telecast of the November 27, 2004, boxing match between Erik Morales and Marco Antonio Barrera III by the defendant.

See attached summons and complaint attached hereto as Exhibit "A".

3. This action was commenced on October 10, 2007 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendants La Cocina Restaurant Inc. d/b/a La Cocina Restaurant on October 29, 2007 by service on "Jane" Maria,

Managing Agent and Rosa A. Mejia by service on "Jane" Maria, co-worker. The defendants have not answered the complaint and the time for the defendants to answer the complaint has expired.

4. This action seeks judgment in the amount of \$20,000.00, plus interest at 9% from November 27, 2004, amounting to \$6,450.00, plus costs and disbursements of this action in the amount of \$470.00 amounting in all to \$26,920.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York  
June 24, 2008

/s/ Paul J. Hooten  
Paul J. Hooten (PJH9510)

Sworn to before me this  
24<sup>th</sup> day of June, 2008

/s/ Cheryl E. Lorefice  
Notary Public

Cheryl E. Lorefice  
Notary Public, State of New York  
No. 4999823  
Qualified in Suffolk County  
Commission Expires August 3, 2010

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**STATEMENT OF DAMAGES**

Defendant  
-----X

Amount of judgment ..... \$20,000.00

Interest at 9% from November 27, 2004 0through June, 2008 ..... \$. 6,450.00

Costs and Disbursements:

Clerk's fee .....	\$ 350.00
Process Server fee for service .....	\$ 120.00

Total as of April 2008..... \$26,920.00

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**CERTIFICATE OF SERVICE**

Defendant

-----X

I certify that a copy of the Notice of Motion for Default Judgment, Default Judgment, Affidavit for Judgment by Default, Statement of Damages was sent via U.S. Postal Service, postage prepaid, first class mail, addressed to the following on June 24, 2008:

La Cocina Restaurant, Inc.  
d/b/a La Cocina Restaurant  
12 East Kingsbridge Road  
Bronx, NY 10468

Rosa A. Mejia  
12 East Kingsbridge Road  
Bronx, NY 10468

By:     /s/ Paul J. Hooten  
Paul J. Hooten, Esquire  
Attorney for Plaintiff  
5505 Nesconset Highway, Suite 203  
Mt. Sinai, NY 11766  
Telephone (631) 331-0547